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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,540	02/24/2005	Naoyuki Maeda	1716372	7009
24240	7590	08/20/2007	EXAMINER	
CHAPMAN AND CUTLER			TRA, TUYEN Q	
111 WEST MONROE STREET			ART UNIT	
CHICAGO, IL 60603			PAPER NUMBER	
			2873	
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			08/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/525,540

Applicant(s)

MAEDA ET AL.

Examiner

Tuyen Q. Tra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3-6, 8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 8, 10, 11, 13-15 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 3, 5, 6, 12, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

The indicated allowability of claims 3, 5, 6, 12, 16 and 17 is withdrawn in view of the previous and newly discovered reference to Cambier et al. (WO 01/20561).

Rejections based on the newly cited reference follow.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 5, 6, 12, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda et al. (U.S. Patent 5,150,146 A).

a) With respect to claims 5 and 6, Ueda et al. discloses a supporting part which attaches detachably to a portable device (figure 1, item 3) having a photographing camera part (figure 1, item 1) on a photographing optical axis; and a main body (figure 1, item 6) which is arranged integrally with the supporting part and which comprises an illumination optical system (figure 1, item 15) for radiating an illumination beam toward photographing objective eyes along an illumination optical axis (figure 1, item OP) intersected at a predetermined angle with the photographing optical axis, wherein the main body comprises a photographing assistant optical system (figure 2, item 2) which is configured in such a manner that a photographic condition of the photographing assistant optical system (2) is changeable in accordance with changing of illumination conditions (column 4, line 54- 59).

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b) With respect to claim 12 Ueda et al. discloses a supporting part which attaches detachably to a portable device (figure 1, item 3) having a photographing camera part (figure 1, item 1) on a photographing optical axis; and a main body (figure 1, item 6) which is arranged integrally with the supporting part and which comprises an illumination optical system (figure 1, item 15) for radiating an illumination beam toward photographing objective eyes along an illumination optical axis (figure 1, item OP) intersected at a predetermined angle with the photographing optical axis, wherein the supporting part (figure 2, item 1b) is slid-able (in, out) relative to the main body (column 4, line 54- 59).

c) With respect to claim 16, Ueda et al. discloses a supporting part which attaches detachably to a portable device (figure 1, item 3) having a photographing camera part (figure 1, item 1) on a photographing optical axis; and a main body (figure 1, item 6) which is arranged integrally with the supporting part and which comprises an illumination optical system (figure 1, item 15) for radiating an illumination beam toward photographing objective eyes along an illumination optical axis (figure 1, item OP) intersected at a predetermined angle with the photographing optical axis, wherein the illumination condition of the illumination system (15) is changeable, and wherein the main body comprises a photographing assistant optical system (figure 2, item 2) which is configured in such a manner that a photographic condition of the photographing assistant optical system (2) is changeable in accordance with changing of illumination conditions (column 4, line 54- 59).

d) With respect to claim 17, Ueda et al. further discloses wherein the photographing assistant optical system comprises a zoom lens or an auxiliary lens, and wherein the auxiliary lens is set and position of zoom of the zoom lens is changeable in accordance with the photographic conditions.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (U.S. Patent 5,150,146 A), in view of Cambier et al. (WO 01/20561).

Ueda et al. discloses a supporting part which attaches detachably to a portable device (figure 1, item 3) having a photographing camera part (figure 1, item 1) on a photographing optical axis; and a main body (figure 1, item 6) which is arranged integrally with the supporting part and which comprises an illumination optical system (figure 1, item 15) for radiating an illumination beam toward photographing objective eyes along an illumination optical axis (figure 1, item OP) intersected at a predetermined angle with the photographing optical axis (column 4, line 54- 59).

However, Ueda et al. does not disclose the portable device is a personal digital assistant having a telecommunication function part. Within the same field of endeavor, Cambier et al. disclose a portable authentication device and method using iris patterns

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comprising of the portable device is a telephone having telecommunication function part (see figure 8 and 9A).

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the ophthalmic apparatus with a portable device such as disclosed by Ueda et al., and with a personal digital assistant having a telecommunication function part such as disclosed by Cambier et al., for purpose of sending image wirelessly.

***Allowable Subject Matter***

5. Claims 4, 8 and 10, 11, 13-15 and 18-20 are allowed.

The reason for the indication of allowable subject matter is that (claim 4) wherein an illuminating condition depends upon an angle formed by the photographing optical axis and the illumination optical axis, and a shape or volume of the illumination beam; (claim 8) wherein the illumination optical system comprises a slit opening stop and wherein, by projecting a slit illumination beam toward the photographing objective eyes, sectional shapes of a cornea and a crystal lens are photographed; (claim 10) wherein the main body comprises a concentric placido-disc illumination optical system and wherein a cornea of each of the photographing objective eyes is ring-illuminated; (claim 11) wherein the supporting part comprises a pair of legs which are movable to approach and move away or extend and contract with respect to each other; (claim 13) the portable device has a command function which processes graphic data of the photographing objective eyes at an end destination; (claim 15) wherein an illuminating condition depends upon an angle formed by the photographing optical axis and the

illumination optical axis, and a shape or volume of the illumination beam; (claim 18) wherein the illumination optical system comprises a slit opening stop and wherein, by projecting a slit illumination beam toward the photographing objective eyes, sectional shapes of a cornea and a crystal lens are photographed; (claim 19) wherein the main body comprises a photographing assistant optical system for photographing an eye ground of the photographing objective eyes, and wherein the illumination optical system is adapted to change an angle which forms between the photographing optical axis and the illumination optical system; (claim 20) wherein the main body comprises a concentric placido-disc illumination optical system and wherein a cornea of each of the photographing objective eyes is ring-illuminated disclosed in the claims is not found in the prior art.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Q. Tra whose telephone number is 571-272-2343. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT

August 14, 2007

  
RICKY MACK  
SUPERVISORY PATENT EXAMINER